

ORDINANCE 2014-04
**AN ORDINANCE TO RELEASE, VACATE, AND EXTINGUISH ANY AND ALL
PUBLIC RIGHTS IN AND TO PORTIONS OF SKELLINGER ROAD AND BATTER
CAKE LANE**

WHEREAS, there has been a request presented to the Township Committee of the Township of Lower Alloways Creek by the State of New Jersey Department of Environmental Protection to consider vacating a portion of Battercake Lane and Skellinger Road within such lands being acquired by the NJDEP and therein described in a letter received April 15, 2014 and;

WHEREAS, THE TOWNSHIP COMMITTEE OF LOWER ALLOWAYS CREEK, has considered the request by the NJDEP to vacate of a portion of Battercake Lane and Skellinger Road (1250') which is described in a letter referenced as #SA-2007-08, S-2011, ID# 1991 and Map dated February 14, 2014, prepared by Donald C. Pennel (Professional Surveyor for the NJDEP) attached and made a part hereof showing the portion (1250') of the roads requested to be vacated, and;

WHEREAS, the Township Committee of the Township of Lower Alloways Creek after having investigated the site, has concluded that these portions of Battercake Lane and Skellinger Road (1250') remain unbuilt/unimproved and are unnecessary for public purpose, and recommends that an Ordinance for "vacation" be prepared and considered for adoption by said Township Committee.

WHEREAS, the Township Committee of the Township of Lower Alloways Creek in the County of Salem and State of New Jersey is of the opinion that the public interest will best be served by abandoning, vacating, releasing and extinguishing any and all public rights which said Township may have in and to, the following described portions of Batter Cake Lane and Skellinger Road (1250');

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lower Alloways Creek in the County of Salem and State of New Jersey, as follows:

SECTION 1. The public rights and interest of Battercake Lane, particularly described as follows are hereby vacated, abandoned and released:

Beginning at the western borders of Block 34, Lot 11 and Block 43.01, Lot 3 found on the Lower Alloways Creek Tax Map pages 13 and 19 respectively, Battercake Lane then continues in an Easterly direction approximately 750 feet more or less to an intersection with Skellinger Road (described in Parcel B below), which intersects Battercake Lane from the South, forming a T type intersection. Battercake Lane as it exists in its present form is at best only a one vehicle sand/dirt path and is a "paper road", meaning that it has not had any formal survey, layout, nor acceptance by the Township and only exists as a "road" on the Township's Tax Map for reference purposes.

The above description is and is intended to be Parcel "A", being all that portions of Battercake Lane right-of-way to be vacated as described above. It is further intended that all rights of the public which may exist are to be vacated within the right-of-way described, reserving there out and there from all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over or under the roadway being vacated including but not limited to, gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

SECTION 2. The public rights and interest of Skellinger Road, particularly described as follows are hereby vacated, abandoned and released:

Beginning at the southern border of Block 43.01, Lot 3, then continuing in a northerly direction approximately 350 feet more or less then intersecting Battercake Lane forming a T type intersection and then continuing eastward after its intersection with Battercake Lane (see Parcel A map and description above) and continuing approximately 380 feet more or less in an Easterly direction ending where it Block 34, Lot 11 borders Block 34, Lot 12 and where Block 43.01, Lot 3 borders Block 43.01, Lot 7. Skellinger Road as it in its present form is at best only a one vehicle sand/dirt path and is a “paper road”, meaning that it has not had any formal survey, layout, nor acceptance by the Township and only exists as a “road” on the Township’s Tax Map for reference purposes.

The above description is and is intended to be Parcel “B”, being all portions of Skellinger Road right of-way to be vacated as described above. It is further intended that all rights of the public which may exist are to be vacated within the right-of-way described, reserving there out and there from all rights and privilege now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over or under the roadway being vacated including but not limited to, gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto.

SECTION 3. The Clerk of the Township is hereby authorized and directed to: (i) publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and public hearing shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a copy of the notice referenced in subsection (i) hereof to every person whose lands may be affected by this Ordinance.

SECTION 4. Within sixty (60) days after adoption of this ordinance, the Township Clerk is authorized and directed to cause a certified copy of this ordinance to be filed with the office of the Salem County Clerk

SECTION 5. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on June 17, 2014 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

This Ordinance which was introduced for First Reading on May 19, 2014 shall be published by Title in the South Jersey Times and placed on the Township’s Bulletin Board giving notice of said Public Hearing as required by Law.

Introduction: May 19, 2014

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN			Y			
MR. PALOMBO			Y			
MRS. POMPPER	M		Y			
MR. VENABLE		S	Y			
MAYOR BRADWAY			Y			

Final: June 17, 2014

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRESLIN						
MR. PALOMBO						
MRS. POMPPER						
MR. VENABLE						
MAYOR BRADWAY						

Attest

Ronald L Campbell Sr., Clerk

Lower Alloways Creek

By: _____
Mayor, Timothy W. Bradway